

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

Dan D. Lee, and Victoria W. Lee, individually
and on behalf of themselves, their members, and
all others similarly situated, as applicable,

No. 3:12-cv-13-BR

Plaintiffs,

v.

TEMPORARY
RESTRAINING ORDER

Bank of America N.A., and Reconstruct
Company, N.A.,

Defendants.

HERNANDEZ, District Judge:

This matter coming to be heard on Plaintiffs' Motion for Temporary Restraining Order regarding Defendants' efforts to continue the January 6, 2012 non-judicial foreclosure sale of real property known as 19735 Wildwood Drive, West Linn, Oregon 97068, and in consideration of

Plaintiff's Declaration and Memorandum,

THE COURT FINDS AND RULES AS FOLLOWS:

1. Plaintiffs have demonstrated some likelihood of success on the merits of their claims regarding the deficiency of the nonjudicial foreclosure, and have further demonstrated that they are likely to suffer irreparable harm in the absence of preliminary injunctive relief;
2. Plaintiffs' moving papers show that an "immediate and irreparable injury, loss, or damage will result" to plaintiffs and that plaintiffs' attorney has made efforts to give notice to defendants as required by Federal Rule of Civil Procedure 65(b)(1).
3. It appears the non-judicial foreclosure sale (trustee sale) is to be held on January 6, 2012.

IT IS HEREBY ORDERED:

1. Defendants are hereby restrained from proceeding with the above described sale for four days, until January 10, 2012, or until further order of the Court;
2. A preliminary hearing is set for 2:00 p.m. on the 9th day of January, 2012, before Judge Anna J. Brown, in Courtroom 14A;

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3. The Court concludes that plaintiffs are not required to post a bond as security for damages incurred by Defendants as a result of this Order; however, this is based on the fact that the injunctive relief ordered herein is of short duration and as a result, there is no realistic likelihood of harm to defendant by enjoining the conduct until January 10, 2012.

IT IS SO ORDERED.

Dated this 6th day of January, 2012

/s/ Marco A. Hernandez

Marco A. Hernandez
United States District Judge